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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,343	12/23/2003	Samir Raiyani	13909-137001 / 2003P00366	4701
32864 7590 03/05/2009 FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER AMSDALL, DANA	
			ART UNIT 3627	PAPER NUMBER
			NOTIFICATION DATE 03/05/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/743,343	RAIYANI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	DANA AMSDELL	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 58-96 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 58-96 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Acknowledgements***

Amendments to the original claims being the cancellation of claims 1-23 and 47-57, with the addition of new claims 58-96, is acknowledged.

### ***Response to Arguments***

1. Applicant's remarks with respect to the application of "Ebert" (US 2003/0227392) as a reference to "make obvious" the new claims have been considered. Examiner defers to the immediate confirmation as to the assignment to SAP Aktiengesellschaft, as an appropriate showing under 37 CFR 1.132; and will not apply this reference in the examination of the submitted new claims.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 58-64, 68-77, 81-90, and 94-96 are rejected under 35 U.S.C. 102(b) as being anticipated by Bergman et al. (US 7,174, 308), herein "Bergman".

4. Regarding claims 58, 69-70, 71, 82-84 and 95-96 , being a system, computer readable medium and method direct to the same, Bergman teaches:

- providing a multi-modal user interface on a mobile device, the multi-modal interface enabling output and user input of information using both first and second modalities (Fig. 1, elms. 20/22/24),
- receiving a first user input identifying a job type mode, the first user input being input using the first modality or the second modality, and the job type mode being selected from among a stocking mode, a picking mode, and a counting mode (Fig. 2, elm. 70),
- transmitting information identifying the user-selected job type mode to a server, in a format consistent with the modality in which the first user input was received (column 4, lines 5-15) ,
- receiving a response to the information identifying the user-selected job type mode from the server, in formats consistent with both the first modality and the second modality, the response identifying a location at which the user will perform a function related to the user- selected job type mode on an item (column 4, lines 34-44),
- providing the response to the user via the multi-modal user interface, in the formats consistent with both the first modality and the second modality (column 4, lines 10-15),

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- receiving a second user input using the first modality or the second modality, the second user input indicating a completion of the function, and including count information or location information associated with the item, updating inventory data for the item based on the count information or the location information, the updated inventory data being accessible using the formats consistent with both the first modality and the second modality (column 5, lines 7-15), and
- transmitting information indicating the completion of the function related to the user-selected job type mode, in a format consistent with the modality in which the second user input was received (column 5, lines 6-7).

5. Regarding claims 59, 72 and 85, Bergman teaches wherein the operations further comprise:

outputting the updated inventory data in a format consistent with either the first modality or the second modality, such that the inventory data is maintained during performance of inventory management tasks Fig. 5, elm. 102; and column 5, lines 28-41).

6. Regarding claims 60, 73 and 86, Bergman teaches wherein the job type mode comprises job data (Fig. 3, elm. 80 – wherein an order represents a job, and order content represents job data).

7. Regarding claim 61, 74 and 87, Bergman teaches wherein the first modality and the second modality collectively include two or more of a voice modality, a Radio

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Frequency Identification Device (RFID) modality, a bar code modality, a touch modality, and a visual modality (Fig. 7, elms 151/152/153)

8. Regarding claims 62-63, 75-76 and 88-89, Bergman teaches wherein the operations further comprise receiving a pick list identifying the item and the function; and displaying the pick list using a visual user interface, and outputting, using voice synthesis, information identifying less than all items on the pick list (column 4, lines 16-33)

9. Regarding claims 64, 77 and 90, wherein the formats consistent with both the first modality and the second modality comprise HTML and VXML, respectively (Fig. 7, elms. 151/ 152; and column 7, lines 12- 42).

10. Regarding claims 68, 81 and 94, Bergman teaches determining, based on updating the inventory data, that a bin associated with the item is expected to be empty; prompting the user to confirm whether the bin is actually empty, using both the first modality and the second modality (Fig. 1, elms. 34/36 – dispenser being the bin; and column 5, lines 25- 61).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 65-67, 78-80, 91-93 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as unpatentable over Bergman, in view of Uehara et al. (US 6,338,053), herein "Uehara".

13. Regarding claims 65-67, 78-80, and 91- 93, Bergman teaches all the elements of the dependency, and further teaches the exchange of inventory information with the system implementation of an inventory module (Fig. 5, elms 100/102; and column 6, lines 16-28).which would necessarily add, remove and count inventory. However, Bergman is not explicit to the separate modes of the inventory process, wherein Uehara is. Uehara discloses the stocking mode, the function comprises adding the item to a warehouse shelf (Fig. 1, elm. 105), the picking mode comprises removing the item from a warehouse shelf (Fig. 1, elm. 104), and the counting mode comprises counting a quantity of the item on a warehouse (Fig. 1, elm. 106).

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One of ordinary skill in the art would, recognize that the varied inventory functions, as detail by Uehara, would be integral to an inventory system as taught by Bergman.

### ***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANA AMSDELL whose telephone number is (571)270-5210. The examiner can normally be reached on 5/4/9.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art Unit 3627